

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

ROBERT RANG,

Defendant.

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Criminal No. 1:15-cr-10037-IT-1

ORDER

December 27, 2016

TALWANI, D.J.

Before this court is Defendant's Motion to Compel [#145] the disclosure of "any investigatory notes of any interviews with third-party witnesses but, at the very least, for notes of interviews with the alleged victim, his mother, and his grandmother." Mot. Compel 1. Rule 16(a)(1) of the Federal Rules of Criminal Procedure requires the government to disclose various categories of documents upon a defendant's request. Defendant has not demonstrated that his request falls within any of these categories.

Further, Rule 16(a)(2) specifically does not provide for "the discovery or inspection of . . . internal government documents by an attorney for the government or other government agent in connection with investigating or prosecuting the case." The rule further exempts from the disclosure it requires "the discovery or inspection of statements made by prospective government witnesses" except with respect to statements made after testifying at trial. Fed. R. Crim. P. 16(a)(2) (citing 18 U.S.C. § 3500); see also 18 U.S.C. § 3500(a) ("[N]o statement or report . . . shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.").

Finally, under the Local Rules of the District of Massachusetts, the investigatory notes may be part of the government's pretrial disclosures as to the witnesses the government anticipates calling in its case-in-chief, see Local R. 116.2(b), but if disclosure is sought on this basis, the request is premature as the government has until twenty-one days before trial to make such disclosures.

For the foregoing reasons, the court DENIES Defendant's Motion to Compel [#145].

IT IS SO ORDERED.

Date: December 27, 2016

/s/ Indira Talwani  
United States District Judge